

**REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL**  
**TUESDAY, November 3, 2009**  
**7:30 p.m.**

Mayor Ray Ewing called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

Council member Bowers gave the invocation.

Roll call showed the following present:

Vice Mayor Joy Shull, Council member Ronald Bowers, Council member Linden A. Fravel, Jr., Council member James Harter.

Absent: Council members Michael Grim and Joseph Hollis

Staff present: Mike Kehoe, Town Manager; Brian Henshaw, Town Planner; David Griffin, Town Attorney; Kim Uttenweiler, Town Treasurer; Dianne MacMillan, Town Clerk; Charles Bockey, Police Chief

Press: Neal Showalter, Sherando Times

Guests: Tim Stowe, Stowe Engineering

**AGENDA**

Council member Fravel moved that the Agenda be adopted as presented and the motion passed.

**PUBLIC COMMENTS**

The Mayor opened the floor for public comment. There being none, the public comment period was closed.

**PUBLIC HEARING**

**Town Code Chapter 22, Division 3, Article 2, Section 22-101, Schedule for in-town water and sewer service for clarification only**

Mayor Ewing introduced the public hearing topic and asked the Town Manager for information. He stated that the changed addressed availability fees and noted that the old town code was a little clearer on the definition. He said if the sewer was available to the property, the sewer is considered as being available to that property and the property owner pays for sewer charges. The second refers to the availability fee to hook into the sewer system. Mayor Ewing asked for comments for or against the revisions of the code for clarification. There was no response and the public hearing was closed.

## **MINUTES – October 6, 2009 Regular Meeting**

Vice Mayor Shull moved for approval of the minutes of October 6, 2009 as presented and the motion carried with the following vote:

### **Recorded Vote:**

Vice Mayor Shull	-	Aye	Nays - None
Council member Fravel	-	Aye	
Council member Harter	-	Aye	
Abstain – Council member Bowers			
Absent – Council member Grim			
Council member Hollis			

## **TREASURERS REPORT – Kim Uttenweiler**

The Mayor asked for questions or comments regarding the treasurer's report. There being none the report was accepted as presented.

## **POLICE REPORT – Charles Bockey, Chief**

The Mayor asked for questions or comments regarding the police report. Chief Bockey reported that Halloween was a safe night with not that many people out. He said it was a nice safe night in town and throughout the County.

He also reported that the Sherando homecoming parade was successful but the weather had a lot to do with the moderate number of people that attended. He said there were no major problems only some issues with kids crossing the streets but there were parade marshals present. He reported that traffic backed up to Double Churches Road but kept moving and the ramps to and from I81 did not back up. He said he had plenty of help and everything went fine. He added that VODT was pleased. Council member Bowers said he wanted to thank Jerry Copp from VDOT and Sergeant Hawkins from the State Police and all the help given to the Chief. He said the best thing was the town was able to sit down with everyone, discuss the concerns and come out ok. He added that he believed that Jerry Copp had tentatively agreed to the parade next year. Chief Bockey stated that there would be another meeting with Sherando as they were interested in trying to make it easier by changing the day of the parade and homecoming game which would give the parade more daylight. Mayor Ewing said what he saw seemed to work well.

There being nothing further, the Police Report was accepted as presented.

## **ACTION AGENDA**

### **A. Amend Chapter 22, Division 3, Article, Section 22-101 Schedule for In-town water and sewer service for clarification only**

Mayor Ewing said this was an ordinance to Amend Chapter 22. He said the changes were discussed earlier.

The Mayor requested that the Clerk read the ordinance by title only for first reading. The Clerk read "An Ordinance to Amend the Code of the Town of Stephens City, Chapter 22, Division 3, Article 2, Section 22-101, Schedule for in-town water and sewer service for the

purpose of clarification only.” Vice Mayor Shull moved to adopt the amendment for the first reading and the motion passed.

The Mayor requested that the Clerk read the ordinance by title only for the second reading. The Clerk read “An Ordinance to Amend the Code of the Town of Stephens City, Chapter 22, Division 3, Article 2, Section 22-101, Schedule for in-town water and sewer service for the purpose of clarification only.” Council member Fravel moved that the Council of the Town of Stephens City adopt the amendment on the second and final reading. The motion passed with the following vote:

**Recorded Vote:**

Vice Mayor Shull	-	Aye	Nays - None
Council member Bowers	-	Aye	Abstain - None
Council member Fravel	-	Aye	
Council member Harter	-	Aye	
Absent – Council member Grim			
Council member Hollis			

## **COMMITTEE REPORTS**

### **A. Finance Committee – Joseph Hollis, Chair**

Mr. Kehoe reported in the absence of Council member Hollis. He stated that they were anticipating the new auditors Anderson, White & Co. to come in to begin the audit this month and they were still waiting on work papers from the last auditor. He said it was important to get the audit started because work needs to begin on the new budget. Council member Fravel asked if there had been any progress on getting the work papers. Mr. Kehoe said he saw the request from Anderson, White to Mr. Price but did not think there had been any action as yet.

### **B. Water/Sewer Committee – Joy Shull, Chair**

Vice Mayor Shull reported that the committee did not meet.

### **C. Personnel Committee – James Harter, Chair**

Council member Harter reported that the committee did not meet.

### **D. Parks and Recreation Commission – Ronald Bowers, Chair**

Council member Bowers advised that the Parks and Recreation Committee had set some short term goals consisting of: 1- promoting the use of the Town Commons and he noted that it was being used more and 2 –continuing work on the proposed war memorial. He said that a long term goal was for the new pavilion and he hoped to see it sometime in the near future.

## **PLANNER’S REPORT – Brian Henshaw**

Mr. Henshaw reported that the street striping was underway and should be finished up to cross walks this week. He said there were some issues with debris and trash from the County but

these were handled well. He advised that the town had already received compliments on the appearance of the streets. Vice Mayor Shull added that the striping did make it much easier to drive after dark. Mayor Ewing asked if the cross walks would be hash marked and Mr. Henshaw said VDOT was against this. Mayor asked what VDOT's problem was with this and Mr. Henshaw answered that it was a maintenance issue for VDOT. He added that it was estimated that the striping would last two to three years and the Town's plan was to include maintenance in the CIP. Mr. Henshaw said the town would take care of maintenance and address hash marks in the future.

Mr. Henshaw said he felt it was important to recognize Shenandoah Valley Christian Academy. He reported that they held a day of serving and picked up litter and trash in the month of October along the Main Street corridor. He asked if Council would agree to adopt a resolution of appreciation for them at the next Council meeting. Mayor Ewing said Council could adopt a resolution at the next meeting and present it to representatives at that time.

Mr. Henshaw reported that Jeremiah Heller, who represented the town on the Citizen Advisory Committee for the MPO for the region was moving and would have to step down from the CAC. He said the town should appoint someone to take his place as soon as possible.

### **TOWN MANAGERS REPORT**

1. Mr. Kehoe reported that the town had begun leaf pick-up on Mondays which would continue through the month of November. He said this was announced in the newsletter sent with the water billing. He said this could continue as long as the town had the inmates for labor. He added that citizens had requested leaf pickup over the years and the town was now in a position to do it with the assistance of inmate labor.
2. He also announced that smoke testing will begin later this month. He said he would consult with the town engineer for a starting date. He advised that residents in the areas to be tested would be notified prior to the smoke testing.
3. Mr. Kehoe reported that he and Council member Harter attended the VML conference and learned a lot. He said the main thing he came back with was the austere outlook for local government revenues projected over the next two years. He said the State would not be able to provide revenue sharing as much as in the past. He stated that for the town's part, it did not receive that much stimulus but the 599 fund for the police could be affected. He said he hoped personal property would not be impacted.
4. Mr. Kehoe advised that the town changed its insurance coverage for employees from Anthem to Optima. He reported that the new rates from Anthem with an overall increase of 20% and therefore the town decided to switch to Optima.
5. Mr. Kehoe reported that the BZA was lacking one member and Council needed to appoint someone to fill the position. He stated that if anyone knew of someone who would like to service, to please advise the Mayor.

6. Mr. Kehoe advised that the town purchased a 2005 1 ton dump truck to replace the old 1987 dump truck. He said the truck only had 5000 miles on it and he hoped to sell the older truck.

### **COUNCIL COMMENTS/CALENDAR**

There being no comments or questions, Mayor Ewing said the calendar would stand with the usual schedule. Mr. Kehoe said an administrative committee meeting was needed to review general policies. A meeting was scheduled tentatively for November 12 at 5:00 pm. Mr. Kehoe said Mr. Stowe wanted to attend the next water/sewer committee but could not attend at the regular scheduled time. The committee meeting was moved to Wednesday the 18<sup>th</sup> at 9:00 am

Mayor Ewing said that a closed meeting was needed and requested a motion.

### **MOTION FOR CLOSED MEETING**

Date: November 3, 2009

Motion By: Vice Mayor Shull

I move that the Council of the Town of Stephens City enter Closed Session pursuant to Section 2.2-3711.A.7 of the Code of Virginia, 1950, As Amended, for the purpose of consultation with legal counsel pertaining to actual pending litigation filed by Frederick County against its citizens in the Town of Stephens City, where such consultation would adversely affect the litigating posture of the public body as well as consultation with legal counsel employed by the Town requiring the provision of legal advice by such counsel; **and** pursuant to Section 2.2-3711.A.29 of the Code of Virginia, 1950, As Amended, for discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

VOTE:

Aye – Vice Mayor Shull  
Council member Bowers  
Council member Fravel  
Council member Harter  
Absent – Council member Grim  
Council member Hollis

Nay - None

ATTEST: \_\_\_\_\_  
Dianne L. MacMillan, CMC, Town Clerk

Council member Harter moved to return to open session and the motion passed.

**CERTIFICATION OF CLOSED MEETING**  
**RESOLUTION**

Date: November 3, 2009

Motion By: Vice Mayor Shull

WHEREAS, the Council of the Town of Stephens City, Virginia has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council that such Closed Meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

RECORDED ROLL CALL VOTE:

Aye – Mayor Ewing

Vice Mayor Shull

Council member Bowers

Council member Fravel

Council member Harter

Nay – None

Absent – Council member Grim

Council member Hollis

Abstain – None

---

Dianne L. MacMillan, CMC, Town Clerk

There was no action taken as a result of Closed Session.

There being no further business, Vice Mayor Shull moved to adjourn at 8:55 p.m. and the motion carried.

---

Ray E. Ewing, Mayor Ray Ewing

---

Dianne L. MacMillan, CMC, Town Clerk